

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**JOINT MOTION FOR STAY OF CLAIMS AS AGAINST
DEFENDANT WILMINGTON TRUST COMPANY**

Plaintiffs and Defendant Wilmington Trust Company (“Wilmington”) jointly move the Court to stay all motions and proceedings in connection with Plaintiffs’ claims against Wilmington. In support of this motion, Plaintiffs and Wilmington state as follows:

1. The above captioned case is a class action lawsuit involving claims by Missouri homeowners for violations of Missouri’s Second Mortgage Loans Act §§ 408.231 RSMo, *et seq.*

2. Plaintiffs and Wilmington have reached an agreement that, if approved, will settle and resolve the claims of those class members who obtained the loans for which Plaintiffs seek to hold Wilmington liable as against Wilmington, but not as against any other Defendant(s) also alleged to be liable on such loans. Plaintiffs and Wilmington need time to memorialize the settlement in writing and to implement the process through which the settlement can be finalized and submitted to the Court for approval.

3. Given the settlement, the continued prosecution of the claims against Wilmington is unnecessary and will detract from the settling parties’ ability to implement their settlement. Accordingly, Plaintiffs and Wilmington respectfully request this Court to grant a stay with

respect to all motions and other proceedings related to Plaintiffs' claims against Wilmington, including without limitation Wilmington's Motion for Summary Judgment (Doc.'s 679, 680), Plaintiffs' Motion for Partial Summary Judgment, *but solely as to Wilmington* (Doc.'s 703, 704), Wilmington's Motion to Exclude Testimony of Dr. Kurt V. Krueger (Doc. 681), Plaintiffs' various Motions in Limine (Doc.'s 758-764, 766-773, and Wilmington's Omnibus Motion in Limine (Doc. 777).

4. No other claims, motions, discovery or other case activity should be stayed against any other Defendant.

5. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiffs and Defendant Wilmington respectfully request that the Court enter an Order staying all motions and proceedings relating to Plaintiffs' claims against Wilmington as stated above.

Date: October 24, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 24th day of October 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

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/s/ R. Frederick Walters